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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 ROBIN DASENBROCK,

12 Plaintiff,

13 vs.

14 A. ENENMOH, et al.,

15 Defendants.  
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1:11-cv-01884-DAD-GSA-PC

**ORDER GRANTING DEFENDANT  
ADAIR'S MOTION FOR EXTENSION  
OF TIME, NUNC PRO TUNC  
(ECF No. 229.)**

**ORDER DEEMING DEFENDANT  
ADAIR'S MOTION FOR SUMMARY  
JUDGMENT TIMELY FILED ON  
APRIL 14, 2017  
(ECF No. 224.)**

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR EXTENSION OF TIME,  
NUNC PRO TUNC  
(ECF No. 233.)**

**ORDER DEEMING PLAINTIFF'S  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
TIMELY FILED ON MAY 30, 2017  
(ECF No. 238.)**

**THIRTY-DAY DEADLINE FOR  
DEFENDANT ADAIR TO FILE REPLY  
TO PLAINTIFF'S OPPOSITION**

26 **I. BACKGROUND**

27 Robin Dasenbrock ("Plaintiff") is a state prisoner proceeding *pro se* with this civil  
28 rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this

1 action on November 14, 2011. (ECF No. 1.) This case now proceeds with Plaintiff's Second  
2 Amended Complaint filed on September 8, 2015, against defendants Dr. A. Enemoh,  
3 Correctional Officer Perez-Hernandez,<sup>1</sup> Nurse Page, and Nurse Adair, on Plaintiff's claims for  
4 violation of the Eighth Amendment and related negligence. (ECF No. 140.)

5 On May 5, 2017, Defendant Adair ("Defendant") requested an extension of time to file  
6 her motion for summary judgment. (ECF No. 229.) On June 28, 2017, Plaintiff filed a notice  
7 of non-opposition to Defendant's motion for extension of time and requested an extension of  
8 time to file his opposition to the motion for summary judgment. (ECF No. 256.)

9 **II. DISCUSSION**

10 Defendant Adair seeks an extension of time nunc pro tunc, deeming her motion for  
11 summary judgment, filed on April 14, 2017, timely filed. Defendant Adair concedes that her  
12 motion for summary judgment was untimely because it was filed after the court's deadline of  
13 December 21, 2016, due to excusable neglect under Federal Rule of Civil Procedure 6(b).  
14 Defendant has no objection to allowing additional time for Plaintiff to respond to the motion  
15 for summary judgment.

16 Plaintiff responds that he will not oppose any reasonable request for an extension of  
17 time by Defendant to file her motion for summary judgment. In fact, Plaintiff requests that the  
18 court grant the extension of time and allow the motion for summary judgment filed on April 14,  
19 2017, to remain filed. Plaintiff also requests an extension of time nunc pro tunc, deeming his  
20 opposition to the motion for summary judgment, filed on May 30, 2017, timely filed. Plaintiff  
21 has no objection to allowing additional time for Defendant to file a reply to the opposition.

22 Based on the parties' representations, the court finds good cause to grant both parties'  
23 motions for extension of time nunc pro tunc, deeming Defendant Adair's motion for summary  
24 judgment and Plaintiff's opposition timely filed. Defendant Adair shall be granted thirty days  
25 in which to file a reply to Plaintiff's opposition.

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28 <sup>1</sup> This defendant was named in the complaint as Correctional Officer Perez.

1 **III. CONCLUSION**

2 Based on the foregoing, **IT IS HEREBY ORDERED** that:

- 3 1. Defendant Adair's motion for extension of time to file her motion for summary  
4 judgment, filed on May 5, 2017, is granted nunc pro tunc;
- 5 2. Defendant Adair's motion for summary judgment, filed on April 14, 2017, is  
6 deemed timely filed;
- 7 3. Plaintiff's request for extension of time to file his opposition to the motion for  
8 summary judgment, filed on May 12, 2017, is granted nun pro tunc;
- 9 4. Plaintiff's opposition to Defendant Adair's motion for summary judgment, filed  
10 on May 30, 2017, is deemed timely filed; and
- 11 5. Defendant Adair is granted thirty days from the date of service of this order in  
12 which to file a reply to Plaintiff's opposition.

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14 **IT IS SO ORDERED.**

15 Dated: **July 28, 2017**

**/s/ Gary S. Austin**  
16 UNITED STATES MAGISTRATE JUDGE